

#### To the Honorable Council City of Norfolk, Virginia

July 14, 2015

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special exception for the operation of an eating and drinking establishment at 411 Granby

Street, Suite B - Sweet Teas

Reviewed:

Kee XILL SI

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Marcus D. Jones, City Manager

Item Number:

**R-3** 

I. Staff Recommendation: Approval.

- II. <u>Commission Action:</u> By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. Request: Special exception for the operation of an eating and drinking establishment
- IV. Applicant: Sweet Teas (Lewis Asare)

#### V. Description:

- This request is to relocate the Sweet Teas restaurant from 345 Granby Street to a larger space at 411 Granby Street.
- The proposed location was previously occupied by the Noodle Bar restaurant.
- Sweet Teas will serve alcoholic beverages for on-premises consumption at this new location.
- The current location at 345 Granby Street will continue to operate under the same business owner and operation style, but will serve breakfast types of food.

	Proposed	
Hours of Operation	11:00 a.m. until 2:00 a.m., seven days a week	
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2 a.m., Monday through Saturday 12:00 p.m. until 2 a.m., Sunday	
Capacity	71 seats indoors 12 seats outdoors 93 total capacity	

Staff point of contact: Christopher Blough at 664-6771, <a href="mailto:christopher.blough@norfolk.gov">christopher.blough@norfolk.gov</a>

#### Attachments:

- Staff Report to CPC dated June 25, 2015 with attachments
- · Proponents and Opponents
- Ordinance



## Planning Commission Public Hearing: <u>June 25, 2015</u> Executive Secretary: <u>George M. Homewood, AICP, CFM</u>

Staff: Chris Blough CB

Staff Report	Item No. 5 411 Granby Street, Suite B			
Address				
Applicant	Sweet Teas	Sweet Teas		
Request	Special Exception	<b>Eating and Drinking Establishment</b>		
Property Owner	415 Granby, LLC			
	Site Area	13,960 sq. ft.		
Site Characteristics	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) HO-D (Downtown Historic Overlay)		
Site Characteristics	Neighborhoods	Downtown		
	Character District	Downtown		
	North	D-3: Granby Theater		
Surrounding Area	East	D-3: Granby Municipal Building		
	South	D-3: Metro on Granby (apartments)		
	West	D-3: Epworth Day School		



#### A. Summary of Request

- This request is to relocate the Sweet Teas restaurant from 345 Granby Street to a larger space at 411 Granby Street.
- The proposed location was previously occupied by the Noodle Bar restaurant.
- Sweet Teas will serve alcoholic beverages for on-premises consumption at this new location.
- The current location at 345 Granby Street will continue to operate under the same business owner and operation style, but will serve breakfast types of food.

#### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as downtown.

#### C. Zoning Analysis

i. General

The site is located in the D-3 and HO-D districts, which permit the proposed use by special exception.

	Proposed
Hours of Operation	11:00 a.m. until 2:00 a.m., seven days a week
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2 a.m., Monday through Saturday 12:00 p.m. until 2 a.m., Sunday
Capacity	71 seats indoors 12 seats outdoors 93 total capacity

#### Special Exception History:

City Council Approval	Applicant	Request
2014	Noodle Bar	eating and drinking establishment
Pending	Sweet Teas	eating and drinking establishment

#### ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

#### iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

#### D. Transportation Impacts

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.

#### E. Impact on the Environment

The site must continue to comply with all the standards set forth in the *Zoning Ordinance of the City of Norfolk, 1992*.

#### F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

#### G. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### H. Civic League

The application was sent to the Downtown Norfolk Civic League and Downtown Norfolk Council on May 13.

#### I. Communication Outreach/Notification

- Legal notice was posted on the property on May 19.
- Letters were mailed to all property owners within 300 feet of the property on June 10.
- Legal notification was placed in *The Virginian-Pilot* on June 11 and June 18.

#### J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

(a) The hours of operation for the establishment shall be from 11 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.

- (b) The hours for the sale of alcoholic beverages shall be from 11:00 a.m. until 2:00 a.m., Monday through Saturday, and 12:00 p.m. until 2:00 a.m., Sunday.
- (c) The seating for the establishment shall not exceed 71 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not exceed 93 people.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (I) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

#### **Attachments:**

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notices to the Downtown Norfolk Civic League and Downtown Norfolk Council
Letter of Support from the Downtown Norfolk Civic League

# **Proponents and Opponents Proponents** None **Opponents** None

06/22/2015 tsv

Form and Correctness Approved

Office of the City Attorney

Contents Approved:

DEPT.

#### ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT KNOWN AS "SWEET TEAS" ON PROPERTY LOCATED AT 411 GRANBY STREET, SUITE B.

NORFOLK, VIRGINIA

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Sweet Teas Norfolk, LLC authorizing the operation of an eating and drinking establishment named "Sweet Teas" on property located at 411 Granby Street, suite B. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 76 feet, more or less, along the western line of Granby Street beginning 113 feet, more or less, from the northern line of West Freemason Street and extending northwardly; premises numbered 411 Granby Street, suite B.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein is permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 2:00 a.m. the following morning Monday through Saturday and from 12:00 noon until 2:00 a.m. the following morning on Sunday. No sales of alcoholic beverages outside of the hours listed herein is permitted.
- (c) The seating for the establishment shall not exceed 71 seats indoors, 12 seats outdoors, and the total occupant capacity, including employees, shall not

exceed 93 people.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception.

Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (1) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony with the objectives and policies of the adopted

General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on

the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exceptions permitting eating and drinking establishments on this property, adopted on May 8, 2012 (Ordinance No. 44,651) and on June 10, 2014 (Ordinance No. 45,573). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)



## EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date 4/23/15						
Trade name of business SWERT TEAS						
Address of business 411 GRANGS & F SUITE B NORFOLK 23576  Name(s) of business owner(s)* LEWIS ASARB, SWARF TRAS WOAFOLK CL						
Name(s) of business owner(s)* LEWIS ASARB, SWARFTEAS WOAFOLK CL	۲.					
Name(s) of property owner(s)* Buddy Goddans 411 GRALLY LLC						
Daytime telephone number ( 404)						
*If business or property owner is partnership, all partners must be listed. *If business or property owner is an LLC or Corporation, all principals must be listed.						
1. Proposed Hours of Operation:						
Facility  Weekday From						
Friday From 11 An To 24a Friday From 11 An To 24n						
Saturday From 11 Aa To 21M Saturday From 11 Au To 24M						
Sunday From 11 Aa To 242 Sunday From 12 pm To 244						
2. Type of ABC license applied for (check all applicable boxes)  ☐ On-Premises ☐ Off-Premises (additional application required)						
3. Type of alcoholic beverage applied for  Beer Wine Mixed Beverage						
<ul> <li>Will indoor or outdoor entertainment be provided?</li> <li>(Entertainment consists of anything more than one, unamplified musician)</li> <li>☐ Yes (Different application required)</li> </ul>						

#### DEPARTMENT OF CITY PLANNING

#### Exhibit A – Page 2 Eating and Drinking Establishment

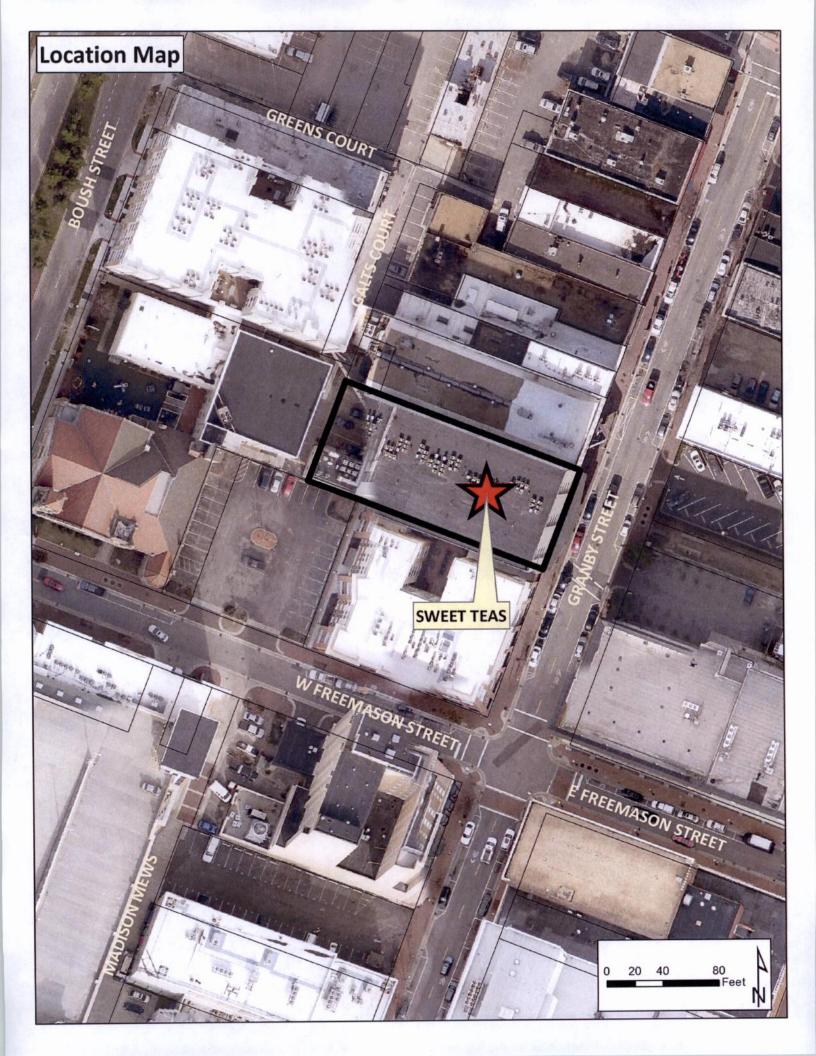
5.		ideo games, pool tables, game boards or other types of games be provided? (If more than 4, additional application required)
	5a.	If yes, please describe type and number of each game to be provided
6.	Will pa	atrons ever be charged to enter the establishment?  No
	6a.	If yes, why
	6b.	Which days of the week will there be a cover charge (circle all applicable days)
		Monday Tuesday Wednesday Thursday Friday
		Saturday Sunday
7.	Will th ☐ Yes	e facility or a portion of the facility be available for private parties?
	7a.	If yes, explain
8.	Will a □ Yes	third party (promoter) be permitted to lease, let or use the establishment?
	8a.	If yes, explain
9.	Will tl	nere ever be a minimum age limit? S IXNo

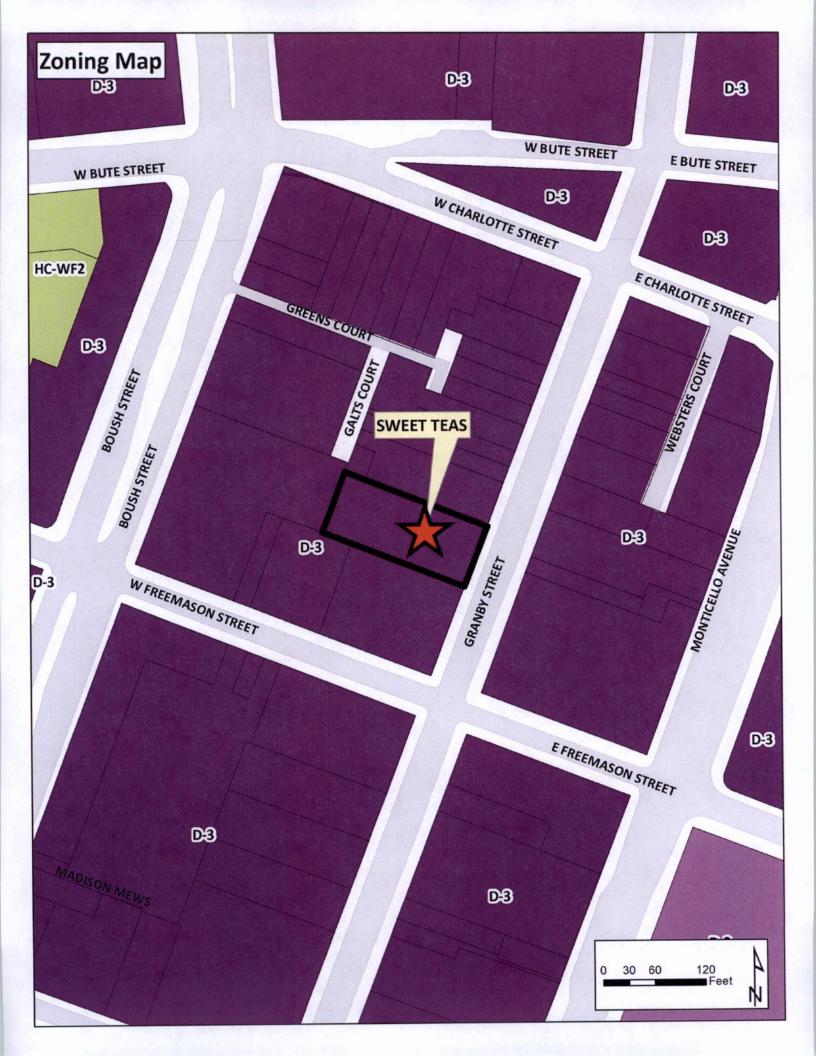
Exhibit A - Page 3

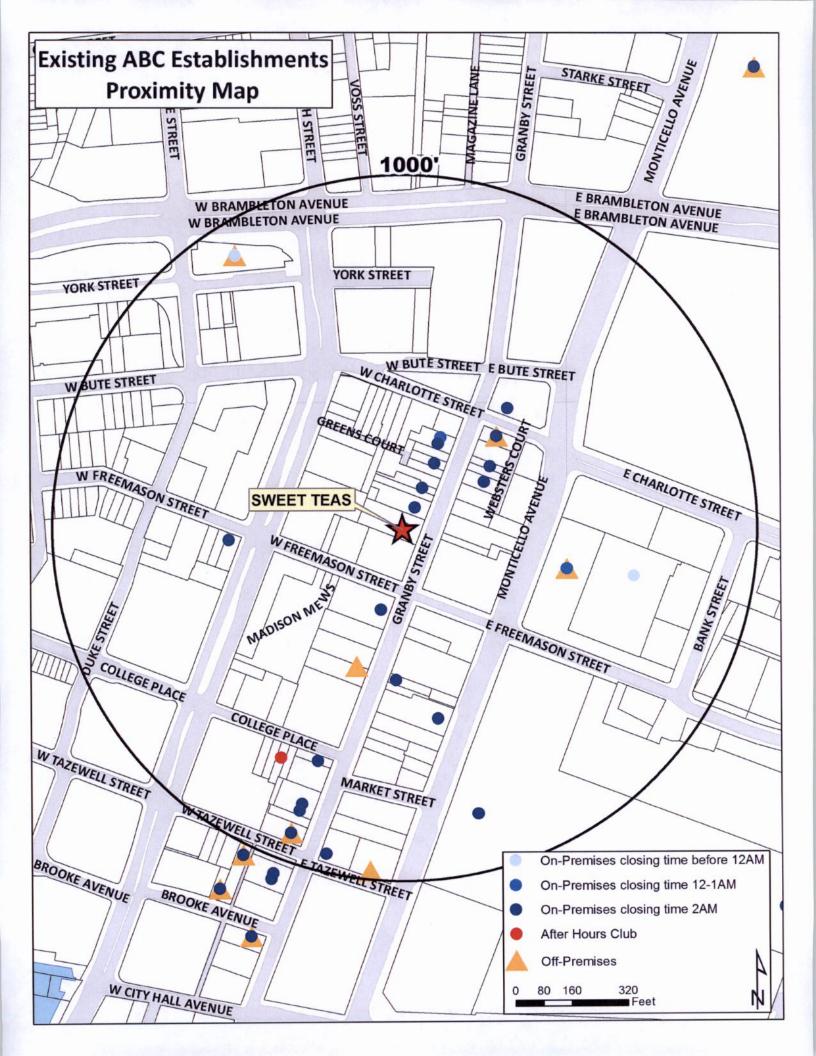
#### DEPARTMENT OF CITY PLANNING

#### **Eating and Drinking Establishment**

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LARGER	SPACE	-			
oking is permitted, uirements for such		ans must	be submitted s	showing all nece	essary









# APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT (Please print)

Date 4/23/15
DESCRIPTION OF PROPERTY
Address 411 GRANGS ST NORFOLK UA 23510
Existing Use of Property Rizstaurant
Proposed Use RESTAURANT
Current Building Square Footage2,790 &
Proposed Building Square Footage 2,700 2790
Trade Name of Business (if applicable) SWERT TEAS NORFOLK LLC
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) ASARG (First) LEWIS (MI) N
Mailing address of applicant (Street/P.O. Box): 411 GRALLY 5 + SUITIE B
(City) Nar Folk (State) VA (Zip Code) 23510
(City) Nar Folk (State) VA (Zip Code) 23510  Daytime telephone number of applicant ( ) 536-0754 Fax ( )
E-mail address of applicant: 16-W15 N/ASARE A Compile - Com

Application Eating and Drinking Establishment Page 2

AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)	
2. Name of applicant: (Last) Hrann (First) Reck (MI) J	
Mailing address of applicant (Street/P.O. Box): 1400 GRANKS SF VALTY67	~
(City) NonFolt (State) <u>VA</u> (Zip Code) <u>23510</u>	_
Daytime telephone number of applicant (75) 6(5-6905 Fax ( )	_
E-mail address of applicant: Rickhem consulting & Comach. Com	_
PROPERTY OWNER  If property owner is a LLC or a Corp./Inc., include name of official representative and/or all par	tners)
3. Name of property owner: (Last) 6 Ad Mus (First) Boddof (MI)	• 6
3. Name of property owner: (Last) 6 Ad Mus (First) Boddy (MI)  Mailing address of property owner (Street/P.O. box): 207 Garaby SF	_
(City) NOAFOLK (State) UP (Zip Code) 23516	
Daytime telephone number of owner (75) 672-905) email: BGA dams Q. MARATKO	LAGORION
CIVIC LEAGUE INFORMATION	
Civic League contact: KRURN (NUM LY	
Date(s) contacted: 40/24/15	
Ward/Super Ward information: 246	-

Application Eating and Drinking Establishment Page 3

#### REQUIRED ATTACHMENTS

- Required application fee, \$355.00 (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
- One 8½ inch x 11 inch copy of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.
- Completed Exhibit A, Description of Operations (attached)

#### CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name:_	(Property C	Owner or Authoriz	Sign: zed Agent of	Signature)	<u> - 41 23</u>	(Date)
Print name:_	Lew is (Applicant)	Asare	Sign:	(Daje)	14	123/15

ONLY NEEDED IF APPLICABLE:

Print name: Rich Ham Sign: Sign: 1 9 123/15

### Exhibit A – Floor Plan(s) Worksheet Eating and Drinking Establishment

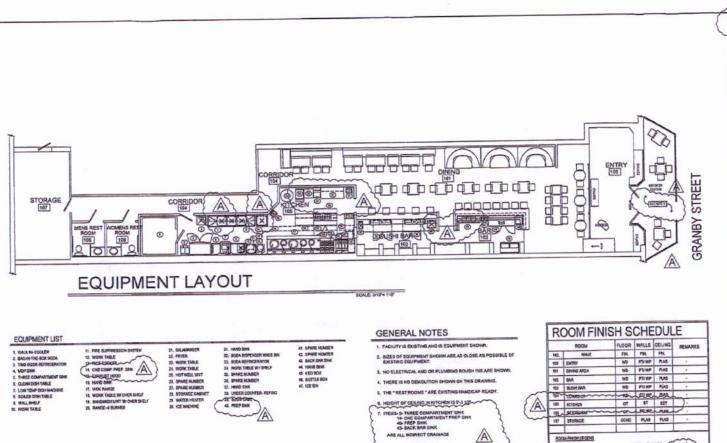
- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
  - o Tables/seats
  - Restroom facilities
  - o Bar
  - Ingress and egress
  - Standing room
  - Outdoor seating
  - o Total maximum capacity (including employees)

#### Total capacity

a.	Indoor Number of seats (not including bar seats) Number of bar seats Standing room	62
b.	Outdoor Number of seats	12
c.	Number of employees	10

Total Occupancy (Indoor/Outdoor seats, standing room and employees) = 93

Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569



I. ITEM-5-THREE COMPARTMENT SHIK

A. DRAINS TO A DREASE TRAP

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411 GRANBY STREET, NORFOLK, VIRGINIA 23505

**EQUIPMENT LAYOUT** 

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KEC-1

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#### Blough, Christopher

From:

Straley, Matthew

Sent:

Thursday, May 14, 2015 8:11 AM

To:

Blough, Christopher

Subject:

FW: new Planning Commission application - 411 Granby Street, Suite B

**Attachments:** 

application.pdf

FYI

From: Kevin R. Murphy [mailto:krmurphy@verizon.net]

Sent: Wednesday, May 13, 2015 5:15 PM

To: Straley, Matthew

Subject: RE: new Planning Commission application - 411 Granby Street, Suite B

Matthew,

The DNCL does not object to this application.

Thank you,

Kevin

From: Straley, Matthew [mailto:Matthew.Straley@norfolk.gov]

Sent: Wednesday, May 13, 2015 11:06 AM

To: dncl@welovenorfolk.org

Cc: Winn, Barclay; Whibley, Terry; Howard, Oneiceia; Blough, Christopher Subject: new Planning Commission application - 411 Granby Street, Suite B

Mr. Murphy,

Attached please find the application for a special exception to operate an eating and drinking establishment on property located at 411 Granby Street, Suite B.

The item is tentatively scheduled for the June 25, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough at (757) 664-6771,* christopher.blough@norfolk.gov

Thank you.

**Matthew Straley** 

GIS Technician II

Norfolk Department of City Planning